

# Yes vote will mean no state water in Nipomo

By Tom Friesen  
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NIPOMO — A "yes" vote will mean "no" to the State Water Project when residents of the Community Services District go to the polls May 19 for another final decision.

The district directors on Wednesday decided to move back the election one week from May 12, citing a tight preparation schedule.

They also approved the official wording of the ballot measure, which simply asks whether Ordinance 91-64 should be repealed. But that will require voters to think in terms of triple negatives, or simply remember that yes means no and no means yes.

As convoluted as that sounds, it could have been even more baffling if district directors had approved the second ballot measure they considered Wednesday in a raucous meeting that ranged in tone from the Marx Brothers to World War III.

The proposed Measure B would have asked the voters to approve or reject the purchase of 1,500 to 2,000 acre-feet of water from the Coastal Branch.

If voters say "yes" to Measure A, which will be the only question on the ballot, it means that Ordinance 91-64 will be repealed.

That ordinance, adopted after the

voters turned down state water by a narrow margin on Nov. 5, repealed a section of previously adopted Ordinance 91-62 which stated that the election results would be binding.

So a yes vote would mean the original ordinance remains in effect and the district board will be obligated to honor the voters' Nov. 5 rejection of the State Water Project.

But the district's legal counsel, Art Shaw, told the directors that even if residents vote "yes" on Measure A, they could also vote "yes" on proposed Measure B and the district could go ahead with the purchase of state water.

Despite persistent questioning, Shaw repeatedly balked at explaining the logic behind his conclusion — "I can't get into a legal treatise" — until board President David Manriquez demanded an answer.

Shaw said the two ballot measures "are not necessarily contradictory. ... If they both pass, they both pass."

He said the original ordinance, 91-62, stated that a vote of the people would be binding on the district, and the approval of proposed Measure B would be a vote of the people.

But Director Steven Small, who has maintained that the voters' original choice should be honored, said Ordinance 91-62 specifically states

that it is the November election which would be binding.

"I have some serious reservations," he said, noting that two yes votes or two no votes on the pair of measures would both put the district in a bind.

"I thought about this a lot last night and I was confused by the end of the evening, and a little miffed," he said. "How does one not exclude the other?"

Paul Luiz, who helped organize the petition drive that forced the new election, called Shaw's logic "convoluted at best."

"How can you tell them you want it and you don't want it at the same time?" he asked. "What are you guys trying to do? This is ridiculous."

Those comments prompted one of the frequent attempts by state water supporters to shout down Luiz and other opponents, who viewed the second ballot measure as an attempt to muddy the waters.

Small said that even Measure A alone is confusing because it doesn't include an explanation or even the title of the ordinance to be repealed.

People don't usually have to vote that blindly, he said. Some might vote no because they're not sure what the question means and they'll

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want to preserve the status quo.

Measure B would also be misleading because it might indicate to the voters that the district has already decided to subscribe to the State Water Project, he said.

General Manager Ryder Ray also disagreed with Shaw's opinion that the second ballot measure could override the first one.

Aside from Small, the three other board members appeared to initially support placing Measure B on the ballot, but board President David Manriquez and Director Gordon Gracia changed their minds after hearing Shaw's explanations and the howls and guffaws from the audience.

"If the board members have trouble deciphering Measure B, what are the voters going to do?"

Small asked, just before Director Kathleen Fairbanks made the motion to place it on the ballot.

She said she supported the inclu-

sion of Measure B "for clarity."

The motion died for the lack of a second. Director Alex Mendoza was absent Wednesday.

There were also questions from the audience about how the proposed Measure B came to be on the agenda in the first place.

Ray said no one specifically requested that the item be placed on the agenda: "It was merely an alternative that came up. I talked to Art (Shaw) and some other people."

The push for the second ballot measure apparently came from members of the Nipomo Advisory Group, a committee set up by 4th District Supervisor Ruth Brackett.

At a previous NCS D meeting, 4th District Planning Commissioner Susan Ostrov also pushed for a similar ballot question.

The two polling places on May 19 will be the NCS D building on South Wilson Street and the Christian Lighthouse Church on West Tefft Street.